

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

<b>Dana Albrecht,</b>	)	
	)	
<b>Plaintiff</b>	)	
<b>v.</b>	)	<b>Civil No. 1:25-cv-00093-SM-AJ</b>
	)	
<b>Hon. John Pendleton, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**PLAINTIFF’S MOTION TO COMPEL RESPONSE AND  
CORRECT DOCKET IRREGULARITIES**

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NOW COMES Plaintiff Dana Albrecht and respectfully moves this Honorable Court for miscellaneous administrative relief, specifically requesting that the Court (1) compel a response from certain defendants represented by the New Hampshire Department of Justice, and (2) direct correction of certain apparent docketing discrepancies regarding waiver and service dates. In support of this motion, Plaintiff states as follows:

1. On May 13, 2025, Plaintiff sent an email<sup>1</sup> to counsel employed by the New Hampshire Department of Justice (who represent a number of defendants in this matter) raising two related concerns: (a) the approaching deadline for responsive pleadings under Rule 4(d)(3), and (b) potential errors in the service dates reflected in CM/ECF, which appear to reflect April 7, 2025, rather than the actual mailing date of March 7, 2025.<sup>2</sup>
2. Plaintiff’s email included supporting documentation and courteously invited discussion or stipulations. To date, no response has been received.

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<sup>1</sup> See Exhibit 1.

<sup>2</sup> See ECF Nos. [3-1](#), [3-2](#), [3-3](#), [3-4](#), [3-5](#), [3-6](#), [3-7](#), [3-8](#), [3-9](#), [3-10](#), [3-11](#), [3-12](#), [3-14](#) showing the mailing dates and USPS proof of delivery.

3. Under Federal Rule of Civil Procedure 4(d)(3), defendants who waive service must file a responsive pleading within 60 days after the request for waiver is sent. For the DOJ-represented defendants served via waiver on March 7, 2025, that deadline fell on or about May 6, 2025. As of the filing of this motion, no answer, Rule 12 motion, or motion for extension has been filed on their behalf.
4. Separately, certain docket entries (e.g., ECF Nos. [13](#), [14](#), [15](#), [16](#), [17](#), [18](#)) appear to list a service/waiver mailing date of April 7, 2025 in CM/ECF.<sup>3</sup> Plaintiff believes this discrepancy may reflect internal CM/ECF input dates rather than the actual date the waiver requests were sent. The March 7, 2025 date is supported by Plaintiff's own affidavit of service and also reflected in earlier waiver returns filed at [ECF No. 3](#) and related attachments.<sup>4</sup>
5. Plaintiff does not seek default, sanctions, or adverse ruling at this time. However, the continued absence of any response and the confusion surrounding applicable deadlines warrant limited corrective action by the Court.
6. In light of this Court's most recent order ([ECF No. 36](#)), accurate service date entries in CM/ECF and timely filing of threshold Rule 12 motions are increasingly important to maintain procedural clarity and avoid unnecessary prejudice.

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<sup>3</sup> See Exhibit 2.

<sup>4</sup> *Supra* note 2.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A) Order that the defendants represented by the New Hampshire Department of Justice who were served via waiver on March 7, 2025 shall file their responsive pleadings or appropriate Rule 12 motions within seven (7) days of the Court's order;
- B) Direct the Clerk's Office to review and, if necessary, correct the docket entries concerning the service/waiver dates to reflect the actual mailing or attested date of March 7, 2025, rather than the later CM/ECF input date; and
- C) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



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DANA ALBRECHT

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May 20, 2025

**CERTIFICATE OF SERVICE**

I, Dana Albrecht, certify that a copy of this Motion has been served on all parties of record via the CM/ECF system.



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DANA ALBRECHT

May 20, 2025.